

AGRICULTURE AND RELATED RESOURCES PROTECTION ACT 1976

LOCAL GOVERNMENT ACT 1995

City of Joondalup

PEST PLANT LOCAL LAW 2012

Under the powers conferred by the *Agriculture and Related Resources Protection Act 1976* and the *Local Government Act 1995* and under all other powers enabling it, the Council of the City of Joondalup resolved on 20 November 2012 to make the following local law.

ARRANGEMENT

PART 1 - PRELIMINARY

- 1.1 Title
- 1.2 Commencement
- 1.3 Purpose
- 1.4 Effect
- 1.5 Application
- 1.6 Definitions

PART 2 - PRESCRIPTION OF PEST PLANTS

- 2.1 Prescription of Pest Plants

PART 3 - SERVING OF NOTICES

- 3.1 Serving of Notices

PART 4 - COMPLIANCE WITH NOTICE

- 4.1 Failure to comply with notice

SCHEDULE 1

Pest Plants

SCHEDULE 2

Notice

PART 1 - PRELIMINARY

1.1 Title

This local law may be referred to as the *City of Joondalup Pest Plant Local Law 2012*.

1.2 Commencement

This local law comes into operation 14 days after the date of its publication in the *Government Gazette*.

1.3 Purpose

The purpose of this local law is to prescribe pest plants within the City of Joondalup district that, in the local government's opinion, are likely to adversely affect the value of property in the district or the health, comfort or convenience of the inhabitants of the district.

1.4 Effect

The effect of this local law is to require the owner or occupier of private land within the City of Joondalup district to destroy, eradicate or otherwise control pest plants on and in relation to that land in a manner and within a time specified in a notice given by the local government and served on the owner or occupier of the land.

1.5 Application

This local law applies throughout the district.

1.6 Definitions

In this local law unless the context requires otherwise:

“authorised person” means a person authorised in accordance with section 9.10 of the *Local Government Act 1995*;

“district” means the district of the local government;

“local government” means the City of Joondalup;

“occupier” is as defined by the *Local Government Act 1995*;

“owner” is as defined by the *Local Government Act 1995*;

“pest plant” means a plant prescribed as a pest plant under clause 2.1 of this local law.

PART 2 – PRESCRIPTION OF PEST PLANTS

2.1 Prescription of Pest Plants

Every plant described in Schedule 1 to this local law is prescribed as a pest plant.

PART 3 – SERVING OF NOTICES

3.1 Serving of Notices

- (a) The local government may serve on the owner or occupier of private land within the district a duly completed notice in the form of Schedule 2 to this local law requiring the destruction, eradication or otherwise control of any pest plant on that land.
- (b) A person served with a notice under sub clause (a) shall comply with that notice within the time and in the manner specified therein.

PART 4 – COMPLIANCE WITH NOTICE

4.1 Failure to comply with notice

- (a) Where a person fails to comply with a notice served under clause 3.1 of this local law, the local government may –
 - (i) without payment of any compensation in respect thereof, destroy, eradicate or control, as the case may be, any pest plant the destruction, eradication or control of which was required by the notice; and
 - (ii) recover in a court of competent jurisdiction from the person to whom the notice is directed, the amount of the expense of such destruction, eradication or control.

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SCHEDULE 1

PEST PLANTS

Common Name
Caltrop

Scientific Name
Tribulus terrestris

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PEST PLANT LOCAL LAW 2012

SCHEDULE 2

NOTICE

No:.....

To
(Full Name)

of
(Address)

You are hereby given notice that under the *City of Joondalup Pest Plant Local Law 2012* you are required to

.....
(here specify whether required to destroy, eradicate or otherwise control)
the pest plant –

.....
(Common Name) (Scientific Name)

on
(here specify the land)

of which you are the
(owner or occupier)

This notice may be complied with by
.....

.....
(here specify the manner of achieving destruction, eradication or control)
Such measures shall be completed no later than
(date)

Upon failure to comply with this notice within the times specified, the local government may destroy, eradicate or control, as the case may be, any specified pest plant at your expense, and if necessary recover the same in a court of competent jurisdiction.

Date of service of notice

.....
Signature of authorised person

Dated 11 December 2012

The Common Seal of the City of Joondalup was affixed by authority of the resolution of the Council in the presence of –



[Handwritten signature]

T. PICKARD, Mayor.

[Handwritten signature]

G. HUNT, Chief Executive Officer.